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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 RICKIE SLAUGHTER,
12 Plaintiff,
13 vs.
14 ESCAMILLA, et al.,
15 Defendant.

Case No. 3:16-cv-00457-MMD-WGC
ORDER GRANTING
DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO SECOND MOTION TO COMPEL
(SECOND REQUEST)

16 Defendants, Shane Escamilla, Stephen Mollet, Sandra Rose-Thayer, and Melissa Travis, by and
17 through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R.
18 Johnson, Deputy Attorney General, do hereby move this Court for an enlargement of time to file their
19 response to Plaintiff's Second Motion to Compel Discovery from Defendant Travis (ECF No. 67).
20 This Motion is based on the following Memorandum of Points and Authorities and all papers and
21 pleadings on file herein.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY**

24 On June 18, 2018, Plaintiff filed his Second Motion to Compel Discovery from Defendant Travis
25 (ECF No. 67). Defendants previously sought an extension of time to respond to the motion to compel.
26 Due to the apparent conflicting discovery responses, counsel has been attempting to work with Defendants

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1 and the Offender Management Division in order to determine the disparity and correct discovery
2 responses. Defendants request a second short extension of time in order to solve any disparities, amend
3 discovery responses if needed and to submit a response to the motion to compel.

4 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

5 When an act may or must be done within a specified time, the court may,
6 for good cause, extend the time: (A) with or without motion or notice if
7 the court acts, or if a request is made, before the original time or its
8 extension expires; or (B) on motion made after the time has expired if the
9 party failed to act because of excusable neglect.

10 The proper procedure, when additional time for any purpose is needed, is to present a request
11 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
12 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
13 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
14 F.R.D. 268 (N.D. Ohio 1947).

15 Counsel requests a second enlargement of time, up to and including July 20, 2018, to file an
16 opposition to the Motion to Compel. Counsel needs additional time to confer with Defendant Travis
17 and the Offender Management Division regarding the disparity in discovery responses and to amend
18 accordingly. Plaintiff will not be prejudiced by a small enlargement of time. Good cause exists to
19 extend the time to file this motion and the request is not made to delay or for any improper purpose.

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1 **II. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for filing an opposition to the second motion to compel be extended to July 20,
4 2018.

5 DATED this 6th day of July, 2018.

6 ADAM PAUL LAXALT
7 Attorney General

8 By: 
9 BENJAMIN R. JOHNSON
10 Deputy Attorney General
11 State of Nevada
12 Bureau of Litigation
13 Public Safety Division

14 *Attorneys for Defendants*

15 **APPROVED AND SO ORDERED:**

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17 **U.S. MAGISTRATE JUDGE**

18 **DATED:** June 6, 2018
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